

REMARKS

Claims 1-34 are pending in the application. This response accompanies a request for continuing examination (RCE) filed under 37 CFR § 1.114. The Office action objected to claim 11 as being of improper dependent form and rejected claims 1-34 under 35 U.S.C. § 103(a) as being unpatentable over Ogle (U.S. Patent No. 6,430,604) in view of Woltz (U.S. Patent No. 6,216,165). Claims 2, 11, 16 and 31 have been canceled without prejudice, leaving claims 1, 3-10, 12-15, 17-30 and 32-24. The applicants respond as follows.

Claim Objections

The examiner objected to claim 11 as allegedly having the same limitations as its base claim 1. As stated above the applicants have canceled claim 11 in accordance with the examiner's suggestion and ask that the objection be removed.

35 U.S.C. § 103 Rejections

The examiner has rejected claims 1-34 under 35 U.S.C. § 103(a) as being unpatentable over Ogle (U.S. Patent No. 6,430,604) in view of Woltz (U.S. Patent No. 6,216,165). Claims 1, 14 and 23 have been amended to recite that the received message has a header and a file type indicator for identifying message components and further clarifies that the communication message is arranged for transmission based on file type, instead of the equivalent term 'format'. The use of the term 'file' is supported by the now canceled claim 2 and does not change the substance or the scope of the claims, but is merely to distinguish from format as a transmission type, i.e. TCP or pager. No new matter was added. This amendment specifically is not meant to define that the message component must be reduced to an actual file but only that it has a file type. The examiner admits that Ogle does not teach routing a message to two devices. Woltz teaches that a message can be routed to two devices based on a subscriber profile, but not based on the contents of the real-time message as is the case in a communication system in accordance with the current disclosure. Since Woltz does not teach examining the contents of the message for an indicator such as file type, claims 1, 14, and 23 as amended are therefore patentably distinct from the cited art and the rejection should be removed.

Regarding claims 5, 19 and 27, the applicants traverse the Official Notice and request supporting evidence per MPEP 2144.03(C).

Claims 7, 8, 29, 30 and 32 have been amended for clarity and consistency with their respective base claims. No new matter was added, nor do the amendments narrow the original scope or breadth of the claims.

All the dependent claims currently under consideration depend from now believed allowable independent claims 1, 14, and 23 and as such are believed allowable. The removal of the rejections to the current dependent claims is requested.

In view of the above amendments and remarks, favorable re-consideration of this application and passage to issuance is respectfully requested. The examiner is invited to contact applicant's undersigned agent with any questions regarding this response or the application as a whole. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855.

Dated: February 23, 2004

Respectfully submitted,

By 

Jeffrey K. Berger

Registration No.: 51,460

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Agent for Applicant